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10 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
URBANA DIVISION

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Movant,

v.

INTERNATIONAL SEMILLAS, LLC,

Respondent.

Case No.

**EXPEDITED MOTION TO  
TRANSFER, OR IN THE  
ALTERNATIVE, FOR  
CONTEMPT OR TO COMPEL  
COMPLIANCE WITH  
SUBPOENAS**

CASE IN OTHER COURT:  
*California Berry Cultivars, LLC v.  
The Regents of the University of  
California, No. 3:16-cv-02477-VC  
(N.D. Cal.)*

Pursuant to Rule 45(f), Movant The Regents of the University of California (the “University”) requests that the Court of the Central District of Illinois transfer this motion to hold International Semillas, LLC (“I.S.”) in contempt or to compel compliance with document production and deposition subpoenas to Judge Vince Chhabria in the Northern District of California on an expedited basis. The subpoenas seek discovery of facts that underlie the dispute in *California Berry Cultivars, LLC v. The Regents of the University of California*, Case No. 3:16-cv-02477-VC (N.D. Cal.) (the “California Litigation”). Judge Vince Chhabria, the presiding judge in the California Litigation, is intimately familiar with the substantive issues addressed in this motion because they relate directly to discovery issues the Northern District of California has addressed in the California Litigation.

The University seeks transfer on an expedited basis because fact discovery in the California Litigation closes in a little over a month. Due to delays in discovery by California Berry Cultivars, LLC (“CBC”—the plaintiff in the California Litigation of which I.S. is a member and contractor—in the California Litigation that resulted in discovery motions and an order by Judge Chhabria, the role I.S. played in the underlying dispute was not fully known until recently. As soon as the University gained an understanding of I.S.’s role, the University served subpoenas on I.S. to obtain relevant information. I.S. put on a façade of cooperation with the University, but it has become clear that Court intervention is required.

Should the Court not transfer the motion to Judge Chhabria, the University moves the Court to decide on an expedited basis that I.S. be held in contempt, pursuant to Rule 45(g) of the Federal Rules of Civil Procedure, for its failure to obey the University’s Subpoena To Produce Documents and the Subpoena To Testify At a Deposition. Alternatively, pursuant to Rule 45(d)(2)(B)(i), the University moves that I.S. be compelled to comply with the Subpoenas. The University requests that the Court order I.S. to produce all documents responsive to the Subpoena To Produce Documents by November 18, 2016, to produce a deponent or deponents fully knowledgeable on the topics listed in the Subpoena To Testify At a Deposition in San Francisco or Chicago by November 30, 2016, and to sanction I.S. for each day that I.S. fails to comply with the Court’s order. The University also requests the Court award it reasonable attorneys’ fees and

1 costs incurred in securing I.S.'s compliance with the subpoenas.

2 Crossclaim Defendants in the California Litigation—California Berry Cultivars LLC,  
3 Dr. Shaw, and Dr. Larson—“are not opposed to the general concept of an order compelling IS to  
4 produce documents and a witness for deposition.”

5 For the reasons set forth in the memorandum being filed contemporaneously herewith, the  
6 motion should be granted.

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8 Dated: November 9, 2016

MATTHEW A. CHIVVIS  
MORRISON & FOERSTER LLP

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18 \*Application for admission pending

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of November, 2016, I caused a true and correct copy of the foregoing document to be served on the following parties via electronic service.

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